

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0507.01 Sarah Lozano x3858

HOUSE BILL 23-1216

HOUSE SPONSORSHIP

Story and Froelich, Bacon, Boesenecker, Brown, deGruy Kennedy, English, Epps, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Lindsay, Mabrey, McCormick, Michaelson Jenet, Ortiz, Parenti, Ricks, Sirota, Velasco, Weissman, Woodrow

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House Committees
Energy & Environment

Senate Committees
Transportation & Energy

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO PROMOTE SAFETY IN THE DISTRIBUTION**
102 **OF NATURAL GAS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires the public utilities commission's (commission) gas pipeline safety rules, on or before March 1, 2024, to address requirements for:

- The inspection of gas meters and service regulators no more often than every 36 months and the recorded documentation of each inspection; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
May 2, 2023

SENATE
Amended 2nd Reading
May 1, 2023

HOUSE
Amended 3rd Reading
April 11, 2023

HOUSE
Amended 2nd Reading
April 10, 2023

- The installation or reinstallation of service regulators so that any vents associated with the service regulators are at least 12 inches above ground level or 12 inches above any anticipated precipitation, whichever is higher.

The bill requires the commission to promulgate rules, on or before March 1, 2024, to establish a process for determining whether an owner or operator of a natural gas distribution system (owner or operator) or a customer is responsible for the maintenance and repairs of the portion of the service line, if installed on or after August 14, 1995, and before March 1, 2024, that extends from the gas meter to the customer's primary residential or commercial structure that is serviced with natural gas (customer-owned service line).

The bill also requires the commission to promulgate rules, on or before March 1, 2024, requiring an owner or operator that distributes gas to a customer-owned service line installed on or after March 1, 2024, to:

- Provide written notice to the customer, within 90 days after the installation of the customer-owned service line, informing the customer whether the owner or operator or the customer is responsible for the maintenance and repairs of the customer-owned service line; and
- Obtain a signed copy of the written notice from the customer.

An owner or operator that fails to obtain a signed copy of the written notice must repair and maintain the customer-owned service line for the lifetime of the customer-owned service line.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-2-115, **amend**
3 (1)(d)(II)(F) and (2); and **add** (1)(d)(II)(H), (1)(d)(II)(I), and (1.5) as
4 follows:

5 **40-2-115. Cooperation with other states and with the United**
6 **States - natural gas pipeline safety - customer-owned service line**
7 **maintenance and repairs notice of responsibility - rules - definitions.**

8 (1) (d) (II) The commission's gas pipeline safety rules must address, and
9 may be more stringent than required by federal standards with regard to:

10 (F) Expansion of annual reporting requirements for pipeline
11 operators; **and**

1 (H) ON OR BEFORE MARCH 1, 2024, REQUIREMENTS FOR THE
2 INSTALLATION OR REINSTALLATION OF SERVICE REGULATORS BY THE
3 OWNER OR OPERATOR SO THAT ANY VENTS ASSOCIATED WITH THE SERVICE
4 REGULATORS ARE AT LEAST TWELVE INCHES ABOVE GROUND LEVEL AND
5 LOCATED IN AN AREA THAT IS PROTECTED FROM EXTERNAL BLOCKAGE;
6 AND

7 (I) ON OR BEFORE MARCH 1, 2024, REQUIREMENTS FOR THE
8 VISUAL INSPECTION OF GAS METERS AND SERVICE REGULATORS BY A
9 QUALIFIED INDIVIDUAL NO LESS FREQUENTLY THAN EVERY FIVE CALENDAR
10 YEARS WITH INTERVALS NOT TO EXCEED SIXTY-THREE MONTHS AND
11 RECORD DOCUMENTATION OF EACH INSPECTION AND FOR THE OWNER OR
12 OPERATOR OF THE GAS METER OR SERVICE REGULATOR TO RETAIN THE
13 DOCUMENTATION FOR THE LIFETIME OF THE GAS METER OR SERVICE
14 REGULATOR.

15 (1.5) (a) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL
16 PROMULGATE RULES TO ESTABLISH A PROCESS FOR DETERMINING
17 WHETHER AN OWNER OR OPERATOR OR A CUSTOMER HAS RESPONSIBILITY
18 FOR THE MAINTENANCE AND REPAIRS OF A CUSTOMER-OWNED SERVICE
19 LINE INSTALLED ON OR AFTER AUGUST 14, 1995, AND BEFORE MARCH 1,
20 2024.

21 (b) ON OR BEFORE MARCH 1, 2024, THE COMMISSION SHALL
22 PROMULGATE RULES REQUIRING AN OWNER OR OPERATOR THAT
23 DISTRIBUTES NATURAL GAS TO A CUSTOMER-OWNED SERVICE LINE
24 INSTALLED BY THE OWNER OR OPERATOR ON OR AFTER MARCH 1, 2024, TO
25 PROVIDE WRITTEN NOTICE TO THE CUSTOMER WITHIN NINETY DAYS AFTER
26 INSTALLATION THAT, AT A MINIMUM, INFORMS THE CUSTOMER WHETHER
27 THE CUSTOMER OR THE OWNER OR OPERATOR IS RESPONSIBLE FOR

1 MAINTAINING AND REPAIRING THE CUSTOMER-OWNED SERVICE LINE.

2 (c) THE COMMISSION'S RULES PURSUANT TO SUBSECTION (1.5)(b)

3 OF THIS SECTION MUST INCLUDE SPECIFIC CIRCUMSTANCES FOR WHEN A

4 CUSTOMER MAY BE RESPONSIBLE FOR MAINTAINING AND REPAIRING THE

5 CUSTOMER-OWNED SERVICE LINE AND A REQUIREMENT THAT:

6 (I) THE OWNER OR OPERATOR USE BEST EFFORTS TO OBTAIN A

7 COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS

8 SECTION WITH THE CUSTOMER'S SIGNATURE FROM THE CUSTOMER WITHIN

9 NINETY DAYS AFTER INSTALLATION OF THE CUSTOMER-OWNED SERVICE

10 LINE;

11 (II) WITH RESPECT TO THE COPY OF THE WRITTEN NOTICE

12 DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION THAT INCLUDES THE

13 CUSTOMER'S SIGNATURE IN ACCORDANCE WITH SUBSECTION (1.5)(c)(I) OF

14 THIS SECTION, THE OWNER OR OPERATOR:

15 (A) PROVIDE A COPY TO THE CUSTOMER FOR THE CUSTOMER'S

16 RECORDS;

17 (B) MAINTAIN A COPY FOR THE OWNER'S OR OPERATOR'S RECORDS

18 FOR THE DURATION OF THE [REDACTED] LIFETIME OF THE CUSTOMER-OWNED

19 SERVICE LINE;

20 (C) PROVIDE A COPY TO AN INSPECTOR UPON REQUEST; AND

21 (D) IF THE PROPERTY ON WHICH THE CUSTOMER-OWNED SERVICE

22 LINE IS LOCATED CHANGES OWNERSHIP, USE BEST EFFORTS TO OBTAIN A

23 NEW COPY OF THE WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF

24 THIS SECTION WITH THE NEW PROPERTY OWNER'S SIGNATURE FROM THE

25 NEW PROPERTY OWNER WITHIN NINETY DAYS AFTER THE CHANGE OF

26 OWNERSHIP IF THE OWNER OR OPERATOR IS AWARE OF THE CHANGE; AND

27 (III) IF THE OWNER OR OPERATOR FAILS TO OBTAIN A COPY OF THE

1 WRITTEN NOTICE DESCRIBED IN SUBSECTION (1.5)(b) OF THIS SECTION
2 WITH THE CUSTOMER'S SIGNATURE FROM THE CUSTOMER IN ACCORDANCE
3 WITH SUBSECTION (1.5)(c)(I) OF THIS SECTION, THE OWNER OR OPERATOR
4 EITHER MAINTAIN PROOF OF EFFORTS TO OBTAIN THE CUSTOMER'S
5 SIGNATURE OR DOCUMENT THE CUSTOMER'S REFUSAL TO PROVIDE A
6 SIGNATURE.

7 (d) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO
8 THE CONTRARY, AN OWNER OR OPERATOR IS RESPONSIBLE FOR ALL
9 MAINTENANCE AND REPAIRS OF THE PORTION OF A SERVICE LINE THAT IS
10 UPSTREAM FROM THE GAS METER.

11 (e) NOTWITHSTANDING ANY PROVISION IN THIS SECTION TO THE
12 CONTRARY, THE COMMISSION'S GAS PIPELINE SAFETY RULES PURSUANT TO
13 THIS SECTION MUST PERMIT ANY ACTIVITY THAT IS WITHIN THE BEST
14 PRACTICES AND STANDARDS FOR THE INDUSTRY GIVEN CONTINUOUS
15 IMPROVEMENT AND CHANGES TO TECHNOLOGY.

16 (2) As used in this section, UNLESS THE CONTEXT OTHERWISE
17 REQUIRES, OR AS OTHERWISE DEFINED IN COMMISSION RULES:

18 (a) "CUSTOMER-OWNED SERVICE LINE" MEANS THE PORTION OF
19 THE SERVICE LINE THAT EXTENDS DOWNSTREAM FROM THE GAS METER TO
20 THE CUSTOMER'S PRIMARY RESIDENTIAL OR COMMERCIAL STRUCTURE
21 THAT IS SERVICED WITH NATURAL GAS.

22 (b) (I) "DISTRIBUTION SYSTEM" MEANS THE PIPING AND
23 ASSOCIATED FACILITIES USED TO DELIVER NATURAL GAS TO CUSTOMERS.

24 (II) "DISTRIBUTION SYSTEM" DOES NOT INCLUDE THE FACILITIES
25 THAT AN OWNER OR OPERATOR OWNS THAT ARE CLASSIFIED AS
26 PRODUCTION, STORAGE, GATHERING, OR TRANSMISSION FACILITIES.

27 (a) (c) "Gas" means natural gas, flammable gas, and any gas that

1 is toxic or corrosive.

2 (d) "GAS METER" MEANS THE METER THAT MEASURES THE
3 TRANSFER OF GAS FROM AN OWNER OR OPERATOR OF A CUSTOMER-OWNED
4 SERVICE LINE TO A CUSTOMER.

5 (e) "MAIN LINE" MEANS THE PORTION OF A DISTRIBUTION SYSTEM
6 THAT SERVES, OR IS DESIGNED TO SERVE, AS A COMMON SOURCE OF GAS
7 SUPPLY FOR MORE THAN ONE SERVICE LINE.

8 (f) "OWNER OR OPERATOR" MEANS AN OWNER OR OPERATOR
9 OF A DISTRIBUTION SYSTEM OR AN INVESTOR-OWNED NATURAL GAS
10 UTILITY.

11 (g) "QUALIFIED" HAS THE MEANING SET FORTH IN 49 CFR 192.803.

12 (h) "SERVICE LINE" HAS THE MEANING SET FORTH IN 49 CFR 192.3.

13 (i) "SERVICE REGULATOR" MEANS THE DEVICE ON A SERVICE LINE
14 THAT CONTROLS THE PRESSURE OF GAS DELIVERED FROM A HIGHER
15 PRESSURE TO THE PRESSURE PROVIDED TO THE CUSTOMER. A SERVICE
16 REGULATOR MAY SERVE ONE CUSTOMER OR MULTIPLE CUSTOMERS
17 THROUGH A METER HEADER OR MANIFOLD.

18 (b) (j) "Transportation of gas" or "transporting gas" means the
19 gathering, transmission, or distribution of gas by pipeline, as defined in
20 49 CFR 192.3, or its storage.

21 **SECTION 2. Safety clause.** The general assembly hereby finds,
22 determines, and declares that this act is necessary for the immediate
23 preservation of the public peace, health, or safety.